

Consideration of request for preliminary adoption of amendments to rules (312 IAC 9) governing the possession and sale of river otters and the sale of squirrel hides; Administrative Cause No. 14-054D

The Division of Fish and Wildlife is proposing to amend the following rules:

- 312 IAC 9-2-3: Would allow the sale of river otters, including their hides and parts, as well as squirrel hides. The sale of river otter hides and parts is needed with the changes to 312 IAC 9-3-18.2 that would open a trapping season for river otters. The sale of squirrel hides was requested in a citizen petition to the Natural Resources Commission.
- 312 IAC 9-3-18.2: State law requires the Division of Fish and Wildlife (DFW) to manage wild animals to be self-sustaining. The DFW reintroduced river otter in the mid-1990s. They are now found in more than 87 percent of Indiana counties, and the population continues to expand. This has led to conflicts between river otter and private pond owners, aquaculture facilities and recreational anglers. The DFW has a responsibility to manage and balance the river otter population for all citizens. Such a season would allow for a healthy and stable river otter population. The rule proposal includes strict limits on the number of otters that could be taken; when, where, and how otters can be trapped, and mandatory registration of harvested otter. A temporary rule would be implemented annually by the director that would specify the counties that would be open to trapping and the statewide quota. Traps must be checked every 24 hours.
- 312 IAC 9-3-18.4: Removes the river otter from this rule since it will be a game species. Game taken legally outside Indiana can be possessed in Indiana already pursuant to IC 14-22-10-4.
- 312 IAC 9-10-12: Removes date restrictions on the possession of river otter, bobcat, and badger carcasses and hides, changes the possession date and reporting date to June 30 of the year the license expires (licenses run from July 1 through June 30 of the following year), and specifies requirements for the proper disposal of carcasses.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #14-

Amends 312 IAC 9-2-3 to allow the sale of parts of river otters that have been taken lawfully. Amends 312 IAC 9-3-18.2 to establish a trapping season for river otters. Amends 312 IAC 9-3-18.4 to remove the references to river otters. Amends 312 IAC 9-10-12 governing the fur buyer's licenses. Effective 30 days after filing with the Publisher.

312 IAC 9-2-3
312 IAC 9-3-18.2
312 IAC 9-3-18.4
312 IAC 9-10-12

SECTION 1. 312 IAC 9-2-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-3 Application of this article to wild animal parts

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the:

- (1) possession;
- (2) sale;
- (3) offer for sale;
- (4) purchase;
- (5) offer for purchase;
- (6) shipment;
- (7) transportation;
- (8) delivery; or
- (9) receipt;

of a wild animal also applies to any part or portion of that wild animal.

(b) The prohibition established under subsection (a) does not apply to the following parts of wild animals taken lawfully:

- (1) Tanned hides.
- (2) Any portion of a ~~furbearer~~ **furbearing mammal**.
- (3) Cured feathers.
- (4) Squirrel tails.
- (5) Untanned deer hides.
- (6) Antlers.
- (7) Hooves.
- (8) Any portion of a river otter.**
- (9) Untanned squirrel hides.**

(Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)

SECTION 2. 312 IAC 9-3-18.2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18.2 River otters

Authority: **IC 14-10-2-4**; IC 14-22-2-6

Affected: IC 14-22

Sec. 18.2. (a) ~~A person must not take~~ **An individual may trap** a river otter (*Lutra canadensis*) ~~except with one (1) of the following~~ **from 8:00 AM on November 15 until noon on March 15 of the following year. An individual who sets a trap for a river otter must be at least ten (10) years old, unless the individual has passed a state-certified trapper education course.**

(b) In order to trap a river otter, an individual must possess one of the following valid Indiana trapping licenses:

(1) resident yearly trapping license under IC 14-22-12-1(a)(4);
(2) nonresident yearly trapping license under IC 14-22-12-1(a)(7);
(3) resident youth consolidated hunting, trapping, and fishing license under IC 14-22-12-1(a)(24) or IC 14-22-11-10(b);
(4) nonresident youth yearly trapping license under IC 14-22-12-1(a)(26); or
(5) lifetime basic trapping license under IC 14-22-12-7(a)(6);
or be exempt from needing a license as authorized in IC 14-22-11-1.

(c) An individual must not take more than two (2) river otters per season. An individual that sets the trap that caught the river otter must count the river otter toward his/her season limit.

(d) An individual that accidentally kills a river otter after the bag limit or statewide quota has been reached or during the closed season must notify the department within twenty-four (24) hours of capture and make arrangements to give that river otter to the department. An individual who traps a river otter alive and does not include it in that individual's bag limit must release the river otter into the wild in the location in which it was captured immediately upon discovery or notification that a river otter has been caught in the trap.

(e) An individual must not trap river otters except in a county the director designates on an annual basis by temporary rule.

(f) Annually, the director shall establish by temporary rule the statewide quota for river otters that may be taken during a season. The director may close the season established under subsection (a) by temporary rule upon a determination that the allowable harvest of river otters for the year has been reached.

(g) An individual who takes a river otter must report the take or cause the reporting of the take by providing the information required on the department's electronic harvest reporting system within twenty-four (24) hours of the taking of the river otter. The individual who reports the take on the department's electronic harvest reporting system must provide true and accurate information. The confirmation number provided by the electronic harvest reporting system must be maintained with the river otter until the river otter is checked in with a designated department employee or at an official river otter checking station.

(h) An individual who takes a river otter during the trapping season must retain possession of the river otter and cause delivery of the skinned hide and carcass, including the head, of the river otter to a designated department employee or official river otter checking station within fifteen (15) days after the month of harvest.

The department employee must:

(1) issue a tag as required by the Convention on International Trade in Endangered Species of Wild Flora and Fauna for each hide;

- (2) attach it to the hide in accordance with 50 CFR 23.69; and**
- (3) maintain possession of the skinned river otter carcass (not the hide).**

(i) A river otter, including the hide and any other part or portion, taken during the trapping season must not be:

- (1) sold;**
- (2) traded;**
- (3) bartered;**
- (4) gifted;**
- (5) transferred to a taxidermist or any other person; or**
- (6) shipped;**

until registered through the department's electronic registration system and issued a tag by a department employee in accordance with subsection (h).

(j) After registering the river otter and obtaining the tag from the department in accordance with this section, an individual who takes a river otter may:

- (1) sell;**
- (2) trade;**
- (3) barter;**
- (4) ship; or**
- (5) other transfer;**

a river otter in accordance with this section and 50 CFR 23.69.

(k) An individual may possess the untanned hide of a river otter as follows:

- (1) During the trapping season established in subsection (a).**
- (2) Until May 15 of the year the trapping season closed as established in subsection**

(a).

- (3) Until June 15 of the year the trapping season closed if the individual submits a report to the department by May 15 on a signed departmental form that lists the number of untanned river otter hides possessed and not sold to a licensed fur buyer.**
- (4) With a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-**

10-12.

- (5) With a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-**

10-5.

- (6) With a valid special purpose salvage permit in compliance with 312 IAC 9-10-**

13.5.

- (7) With a valid scientific purposes license in compliance with IC 14-22-22 and 312**

IAC 9-10-6.

(l) An individual must not possess a live river otter except with one (1) of the following:

- (1) A wild animal rehabilitation permit under 312 IAC 9-10-9.**
- (2) A scientific purposes license under 312 IAC 9-10-6.**
- (3) A nuisance wild animal control permit under 312 IAC 9-10-11.**
- (4) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

(5) A breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

~~(e)~~ **(m)** An individual must not sell a live river otter unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV. (*Natural Resources Commission; 312 IAC 9-3-18.2; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA*)

SECTION 3. 312 IAC 9-3-18.4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-18.4 Possession and sale of bobcats and badgers

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 18.4. (a) A person must not possess or sell a carcass, hide, or any part of a bobcat, ~~river otter~~, or badger unless the person meets one (1) of the following requirements:

(1) The person possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired. Satisfactory documentation must include one (1) or more of the following:

(A) A legible copy of any of the following:

- (i) A tag.
- (ii) A receipt.
- (iii) A hunting license.
- (iv) A trapping license.
- (v) A permit.
- (vi) Other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.

(B) A receipt from either of the following:

- (i) A fur buyer licensed under 312 IAC 9-10-12.
- (ii) A taxidermist licensed under 312 IAC 9-10-5.

(2) The person obtains the:

- (A) carcass;
- (B) hide; or
- (C) part;

from the director or his designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of

a:

- ~~(1)~~ bobcat;
- ~~(2)~~ ~~river otter~~; or
- ~~(3)~~ badger;

for more than fourteen (14) days unless the person is a fur buyer licensed under 312 IAC 9-10-12.

(c) A fur buyer licensed under 312 IAC 9-10-12, or a taxidermist licensed under 312 IAC 9-10-5, who sells:

- (1) a carcass;
- (2) a hide; or
- (3) any part;

of a bobcat, ~~river otter~~, or badger must provide the purchaser with the documentation described in subsection (a). A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of subsection (a).

(Natural Resources Commission; 312 IAC 9-3-18.4; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; readopted filed May 20, 2014, 9:43a.m.: 20140618-IR-312140017RFA)

SECTION 4. 312 IAC 9-10-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-12 Fur buyers' licenses

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-19

Affected: IC 14-22-19-3

Sec. 12. (a) This section applies to a person who is issued a fur buyer's license under IC 14-22-19-3.

(b) A fur buyer's license must be obtained under this section before a person engages in the business of buying furbearing mammals, **river otters, badgers, and bobcats** or the untanned hides, skins, or furs of furbearing mammals, **river otters, badgers, and bobcats** in Indiana.

(c) A person shall make application for a license under this section on a departmental form.

(d) Except as otherwise provided in this subsection, a licensed fur buyer may possess the carcasses and untanned hides of:

- (1) furbearing mammals;
- (2) river otters;**
- (3) badgers; and**
- (4) bobcats;**

that are lawfully taken ~~in season for not more than sixty (60) days after the last day of that season~~ **until June 30 of the year the license expires;** and ~~(2) bobcats, river otters, and badgers, for not more~~

~~than sixty (60) days from receipt of the carcass or untanned hide.~~

(e) A licensed fur buyer must do the following:

- (1) Not possess the carcass or untanned hide or any part of a bobcat, ~~river otter~~, or badger unless the carcass, untanned hide, or part was lawfully acquired outside Indiana.
- (2) Document **the date and method of** lawful acquisition of each untanned hide or carcass **of a wild animal** by obtaining from the seller a legible copy of any:
 - (A) tag;

(B) receipt;
 (C) hunting license;
 (D) trapping license;
 (E) permit; or
 (F) other appropriate record;
 from the state or country where the animal, including any part or portion of the animal,
 was acquired.

(f) ~~Notwithstanding subsection (b),~~ A licensed fur buyer may, ~~as authorized by the division director,~~ possess a carcass or untanned hide ~~in excess of sixty (60) days after the:~~

- ~~(1) close of a season~~ **June 30 of the year the license expires; or**
- ~~(2) receipt of a carcass or untanned hide of a bobcat, river otter, or badger;~~
 upon the submission of a signed report to the department **by June 30** identifying the species, number, and location of furs or carcasses ~~are~~ kept.

(g) A licensed fur buyer must issue a valid, dated receipt for any wild animal that is sold, traded, bartered, or gifted. The receipt must include the following information:

- (1) The fur buyer's license number.
- (2) The buyer's and the seller's names and addresses.
- (3) The:
 - (A) number; and
 - (B) species;
 of animals sold.

(h) A conservation officer may, at any reasonable time, inspect the records, hides, and carcasses of wild animals possessed by a licensed fur buyer.

(i) **A licensed fur buyer must properly dispose of carcasses and other parts of wild animals to ensure that they do not become a public nuisance as defined in IC 32-30-6-6. Proper disposal includes:**

- (1) at a disposal plant licensed by the Indiana board of animal health under IC 15-17;**
- (2) burial upon the owner's premises so that every part of the animal's carcass is at least four (4) feet under the natural surface of the earth;**
- (3) thorough and complete incineration;**
- (4) composting; or**
- (5) other methods approved by the director.**

(Natural Resources Commission; 312 IAC 9-10-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2732; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA)